

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROBERT C. ADLER, :
Plaintiff, : Case No. 1:18-cv-08100 (PAC)
-against- :
PAYWARD, INC. d/b/a KRAKEN, :
Defendant. ::
-----x

PLEASE TAKE NOTICE that the Defendant Payward, Inc. d/b/a Kraken (“Payward”), will move this Court in Courtroom 14C, of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time to be set by the Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) dismissing the Complaint herein for failure to state a claim against Payward and for lack of subject matter jurisdiction.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law and exhibits thereto, the pleadings and papers filed in this action, and such further argument and matters as may be offered at any hearing on this Motion.

New York, New York
January 4, 2019

Respectfully submitted,

By: /s/ Christopher N. LaVigne
Christopher N. LaVigne
Adam Ludemann
Pierce Bainbridge Beck Price & Hecht LLP
20 West 23rd Street, Fifth Floor
New York, New York 10010
(212) 262-9333, ext. 105
clavigne@piercebainbridge.com
aludemann@piercebainbridge.com

Attorneys for defendant Payward, Inc. d/b/a Kraken

CERTIFICATE OF SERVICE

I, Christopher N. LaVigne, hereby certify that on January 4, 2019, I caused a true and correct copy of the foregoing to be filed via the Court's electronic filing system, which constitutes service upon all counsel of record.

/s/ Christopher N. LaVigne
Christopher N. LaVigne